

### REMARKS

Claims 4 and 5 have been amended. Claims 8-15 have been added. Thus, Claims 4-15 are currently pending. By these amendments, no new matter has been introduced into the claims.

On the merits, claims 4-6 (and presumably claim 7 had it been before the Examiner) have been rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,260,058 (Hoenninger et al.).

Hoenninger et al. (US 6,260,058 B1) discloses a control program subdivided into tasks. Each task has a priority and an activating event. Tasks may be divided into sub-tasks. The sub-tasks are worked-off sequentially. Priorities of sub-tasks can be assigned. The sequence of working-off sub-tasks can be fixed, i.e. sequenced. There is a task table with table pointer in which the entries to the tasks/sub-tasks are administered.

The present invention describes a sequential programming, wherein instructions within a task can cause a switch of the priority (running level) in which the task is executed. Thus, the task can be executed in a higher priority which does not cause the same time restraints for execution. In other words, the task can be executed with a longer time slot if the respective condition is met. The following instructions, even though normally executed at the lower priority will then be executed with the higher priority until a specific instruction terminates the higher priority status.

Hoenninger neither discloses or suggest such a mechanism. On the contrary, Hoenninger merely assigns single priorities to each task. No flexible adjustments for specific condition instructions is provided.

The pending claims and the new claims more clearly define this difference to Hoenninger. Applicant respectfully requests to enter these amendments as the pending claims are now clearly distinguished from the prior art.

The dependent claims include all the limitations of the respective independent claims and are therefore patentable at least to the extent of the independent claims.

### SUMMARY

In light of the above remarks, reconsideration and withdrawal of the outstanding rejection is respectfully requested. It is further submitted that the application is now in condition for allowance and early notice of the same is earnestly solicited. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the agent of record by telephone or facsimile. If there are any fees due with the filing of this Response, including any fees for an extension of time, Applicants respectfully Petition the Commissioner for such an extension and direct that any and all fees be charged to Baker Botts L.L.P., Deposit Account No. 02-0383, *(formerly Baker & Botts, L.L.P.)* Order Number 071308.0210.

Respectfully submitted,

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